

**Wally  
Herger**  
Congressman

**2nd District - California**



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## **Herger Hails House Passage of Endangered Species Act (ESA) Reform Bill**

*Legislation includes Herger-backed "human health and safety" provision*

(WASHINGTON, D.C.) - Congressman Wally Herger (CA-02) today voted in favor of H.R. 3824, the "Threatened and Endangered Species Recovery Act of 2005," which the House passed by a vote of 229 to 193. The reform bill tightens requirements for scientific decision-making and emphasizes protection for private property owners. It also includes a provision that would require the Secretary of the Interior to develop regulations to waive or streamline the ESA when human health, safety or property is threatened. This provision was modeled after Congressman Herger's H.R. 2779, the "Species Rescue Act," which was initially introduced after the tragic levee break that occurred in Arboga, south of Marysville, CA, in January 1997.

"Our Northern California congressional district has been 'ground zero' for many tragic events resulting from an outdated and inflexible ESA, including the Arboga levee break and the Klamath Basin water shut-off of 2001," Herger said. "These tragedies helped demonstrate the inflexibility of the current ESA, and the critical need for substantial reform. Today's House passage of comprehensive ESA reform represents a tremendous victory in the fight to bring common sense to this well-intentioned but seriously flawed law."

"I have long supported efforts to reform the ESA, and I'm extremely pleased that the legislation contains a 'human health and safety' provision, which I actively worked to include," continued Herger. This provision will help ensure that ESA regulations do not prevent essential structural improvements that can save human life."

The "human health and safety" provision in the bill would mandate that the Interior department develop guidelines that could allow for an expedited environmental review process for actions necessary to address threats, such as catastrophic flooding, to human life or property.

Herger concluded, "I urge the Senate to set aside political wrangling and promptly consider and pass this measure so that needless tragedies are avoided in the future."

The Senate has not indicated when it might consider ESA reform.

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Below is a copy of Congressman's prepared remarks given today on the House floor, and instructions for a related radio actuality:

*Mr. Speaker, I rise today in support of the rule, and in strong support of the underlying bill.*

*The Endangered Species Act is a law with good intentions. But it has spun wildly out of control, with tragic consequences for average Americans. The Northern California district I represent has been perhaps "ground zero" for some of the worst examples of the human impacts of this law-gone-awry.*

*In 2001, a community of family farmers in the Klamath Basin of Northern California and Southern Oregon had their entire water supply shut off to prevent a perceived threat to two species of listed fish. Families, who for generations had worked the soil to produce food for our nation, were literally left high and dry. To add insult to injury, it was later determined that that decision was not scientifically justified.*

*Several years ago, a levee protecting one of the communities I represent had deteriorated, and the Army Corps of Engineers predicted that in the event of high water there would be a significant threat to human life. For nearly seven years local officials tried to repair that levee, Mr. Speaker, but those repairs were stymied because of the ESA. Those delays had tragic consequences. The levee DID break, just as the Corps predicted. Tragically, three people drown.*

*Mr. Speaker, the impacts of this inflexible law have been real and devastating. The reforms proposed by this common sense legislation are long overdue. I commend Chairman Pombo on his good work, and urge my colleagues to support it.*

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